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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,783	08/05/2003	Jong Hoe An	2060-3-68	2736

35884 7590 04/03/2007
LEE, HONG, DEGERMAN, KANG & SCHMADEKA
801 S. FIGUEROA STREET
12TH FLOOR
LOS ANGELES, CA 90017

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/635,783

Applicant(s)

AN ET AL.

Examiner

Sonny TRINH

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-27 is/are allowed.
- 6) ☐ Claim(s) 1-6, 28-30 and 38 is/are rejected.
- 7) ☐ Claim(s) 31-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. **Figure 1** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 1, 3-4** are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al. (Hereinafter "Park"; U.S. Patent Number 6,952,583).

Regarding **claim 1**, Park discloses a method of performing channel hashing in a communication system (abstract, claim 1), the method comprising a step of: transmitting an overhead message (column 5 line 37 to column 6 line 67) including a list of frequency assignments to at least one receiving side through a common channel (column 5, specifically lines 37-67, column 6 lines 56-67), wherein the overhead message includes a first field, the first field containing information indicating whether the frequency assignment list includes at least one frequency assignment allowing packet data support (column 7 line 54 to column 8 line 2)..

Regarding **claim 3**, Park further discloses that the overhead message is an extended CDMA channel list message (column 5 lines 37-67).

Regarding **claim 4**, Park further discloses that the communication system is a base station and the at least one receiving side is a mobile station (figure 3B, columns 5-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2, 28-30, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Park. In view of Raith et al. (hereinafter "Raith"; U.S. Patent Number 5,768,267).

Regarding **claim 2**, Park discloses the invention but does not explicitly disclose that the overhead message of said transmitting step includes a second field, the second field containing information indicating whether each frequency assignment in the frequency assignment list allows packet data support.

In an analogous art, Raith teaches a method for registering a mobile station when the mobile station first enters a communication system which supports packet data channels (abstract). Raith further discloses the different field in the overhead message which indicate packet data support (column 3 line 65 to column 4 line 59, column 11 lines 1-27, column 12 line 61 to column 13 line 61, column 14 lines 9-20, claims 1, 8 and 15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the indication of the packet data support as taught by Raith, the motivation for doing so would be to allow data communication when the user enters a that supports packet data.

Regarding **claim 28**, this claim is the overhead message for performing the method steps of claims 1 and 2 combined and is therefore rejected for the same reasons.

Regarding **claims 29-30**, the combination of Park and Raith discloses the invention but does not disclose that the overhead message claim 28, wherein the first field is a PDCH_SEL_INCL field and the second field is a PDCH_HASH_IND field nor the PDCH_SEL_INCL field and the PDCH_HASH_IND field each have a length of one bit. However, since Park discloses the overhead message with different field such as in

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column 5 line 40 to column 6 line 65, therefore the name of the field and the bit length of the field are obvious and well within the level of a person of ordinary skill in the art. The motivation for assigning the field to a particular name is for the ease of recognizing the particular function of the field. As for the length of one bit, this is a binary function and is also well known and obvious to a person of ordinary skill in the art.

Regarding **claim 38**, Park further discloses that the overhead message is an extended CDMA channel list message (column 5 lines 37-67).

4. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Park.

Regarding **claims 5-6**, Park discloses the invention including the broadcast control channel (BCCH, column 3 lines 53-61, claim 1) but does not explicitly disclose that the common channel is a forward common channel nor the common channel is one selected from the group consisting of a forward paging channel and a forward broadcast control channel.

However, since in the context of a CDMA network, the shared channels might be a forward traffic channel or a forward common channel, such as a Broadcast Control Channel, Forward Common Control Channel, or Paging Channel). It would have been obvious that the broadcast control channel can be a forward common channel or a Broadcast control channel.

Allowable Subject Matter

5. **Claims 7-27** are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 7**, the applied references fail to disclose or render obvious the claimed limitations specifically wherein the method further comprising the steps of: receiving through a common channel an overhead message including a CDMA channel list containing a plurality of frequency assignments; reading first and second fields of the received overhead message, the first field containing information indicating whether at least one frequency assignment allowing packet data support is included in the plurality of frequency assignments and the second field containing information indicating whether each frequency assignment of the plurality of frequency assignments allows packet data support; formulating a first subset of channels based on the information of the first and second fields of the received overhead message; and choosing as a service channel a frequency assignment of the first subset of channels.

Regarding **claim 17**, the applied references fail to disclose or render obvious the claimed limitations specifically wherein the method comprising steps of: receiving an overhead message, sent through a forward common channel from a base station to a mobile station, the overhead message including at least one field and a CDMA channel list; determining in the mobile station whether the base station and mobile station both provide packet data support, based on the at least one field of the received overhead

message; formulating a first subset of channels according to a result of said determining step; and randomly selecting one frequency assignment from the first subset of channels.

6. **Claims 31-37** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 31**, the applied references fail to disclose or render obvious the claimed limitations, specifically wherein the PDCH_SEL_INCL field is set to a first binary value, if the frequency assignment list includes at least one frequency assignment allowing packet data support, and is otherwise set to a second binary value.

Regarding **claim 32**, the applied references fail to disclose or render obvious the claimed limitations, specifically wherein the PDCH_HASH_IND field is set to a first binary value, if there is at least one frequency assignment allowing packet data support, and is otherwise set to a second binary value.

Regarding **claim 33**, the applied references fail to disclose or render obvious the claimed limitations, specifically the overhead message of claim 28, further comprising: a third field containing information indicating whether the at least one frequency assignment in the frequency assignment list provides special system support; and a fourth field containing information indicating whether the each frequency assignment of the frequency assignment list provides the special system support.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward URBAN can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/29/07


SONNY TRINH
PRIMARY EXAMINER